

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNICARE LIFE & HEALTH
INSURANCE COMPANY,

Plaintiff,

Civil Action No.
13-CV-12681

vs.

HON. MARK A. GOLDSMITH

BARRY McCUNE, et al.

Defendants.

ORDER
ACCEPTING AND ADOPTING THE REPORT AND RECOMMENDATION OF
THE MAGISTRATE JUDGE DATED NOVEMBER 4, 2013 (DKT. 32), DIRECTING
PLAINTIFF TO DEPOSIT PROCEEDS INTO REGISTRY OF COURT, AND
DISMISSING PLAINTIFF THEREAFTER

This matter is presently before the Court on the Report and Recommendation (R&R) of Magistrate Judge R. Steven Whalen, issued on November 4, 2013 (Dkt. 32). In the R&R, the Magistrate Judge recommends that (1) Plaintiff Unicare Life and Health Insurance Company's motion for granting of interpleader, deposit of disputed funds less attorney fees, and dismissal be granted (Dkt. 21); (2) Plaintiff be directed to deposit the subject life insurance proceeds into the Registry of the Court — with any applicable interest, and minus attorney fees and costs in the amount of \$3,750.00 — within 30 days of the date of a final order disposing of the motion; and (3) upon depositing the funds, Plaintiff be dismissed from the case and discharged from any further claims and/or liability arising out of or related to the subject insurance policy.

The parties have not filed objections to the R&R, and the time to do so has expired. See Fed. R. Civ. P. 72(b)(2). The Court has reviewed the R&R and concludes that the Magistrate Judge has reached the proper conclusion for the proper reasons. Therefore, the R&R is accepted and adopted as the findings and conclusions of the Court. Accordingly,

Plaintiff is ordered to deposit the subject life insurance proceedings into the Registry of the Court, with any applicable interest, and minus attorney fees and costs in the amount of \$3,750.00, within 30 days of the date of this order. Upon depositing these funds, Plaintiff shall be dismissed from this case, and shall be discharged from any further claims and/or liability arising out of or related to the subject life insurance policy. See United States v. High Tech. Prods., Inc., 497 F.3d 637, 641 (6th Cir. 2007) (“When the court decides that interpleader is available . . . it may issue an order discharging the stakeholder, if the stakeholder is disinterested, enjoining the parties from prosecuting any other proceeding related to the same subject matter, and directing the claimants to interplead.” (quotation marks and citation omitted)).

SO ORDERED.

Dated: November 25, 2013
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 25, 2013.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager